

REMARKS

Claims 6 and 7 have been canceled.

New claims 16-19 are presented for prosecution.

Claims 1-5 and 8-19 remain pending in the application. Of these, claim 1 is currently amended.

Claims 1-5 and 8-15 are rejected in various combinations under 35 U.S.C. §102(b) based on Murray U.S. 5,348,391 (Murray '391) and under 35 U.S.C. §103(a) based on Murray U.S. '391 in view of Seddon U.S. 5,494,349 (Seddon '349) or Chan U.S. 4,973,168 (Chan '168). Murray '391 discloses a manual bone cement mixing method in which a mixing element 74/76 is inserted into a receptacle 22. The receptacle 22 includes a piston seal 26 which closes the lower end of the cartridge (see col. 4, lines 1-2). The seal 26 has a flat upwardly facing mixing face that, together with the sidewall 24 of the receptacle 22, define a mixing chamber 30 (see col. 4, lines 2-4). Murray '391 does not teach or suggest a plunger insertable into the receptacle or advanceable through the receptacle. Nor does Murray '391 teach or suggest a plunger that dispenses filling material from the receptacle by advancement through the receptacle. Claim 1 has been amended in view of this rejection to define a device that includes a plunger insertable into the receptacle and advanceable through the receptacle to dispense filling material from the receptacle. The fundamental shortcoming of Murray '391 to teach or suggest the claimed subject matter is not redeemed by the further recitation of Seddon '349 or Chan '168. Dependent claims 2 - 5 and 8 - 19 further define the features of the device of claim 1.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 1-5, inclusive, and 8-19, inclusive, is respectfully requested.

Respectfully Submitted,

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